

**TOWN OF DEWEY-HUMBOLDT
BOARD OF ADJUSTMENTS
MEETING MINUTES
OCTOBER 4, 2007, 5:30 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENTS HELD ON THURSDAY, OCTOBER 4, 2007, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIRMAN TERRY NOLAN PRESIDED. COMMISSIONERS LYDIA CHAPMAN, MIKE GENERALLI AND DOYLE WISTE WERE PRESENT.

CALL TO ORDER

Chairman Terry Nolan called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

Approval of Minutes-August 9, 2007

Wiste moved approval of the August 9, 2007 minutes. The motion was seconded and carried with a vote.

Public Hearing - Medical Variance Request – ZV-2007-03 – Parcel 402-05-107 – Karl and Debra Brown on behalf of Jean Peterson (mother of Debra Brown)

APN's: 402-05-107

Applicant: Karl and Debra Brown on behalf of Jean Peterson

Project Name: Secondary Medical Dwelling Variance

**Property Location: 2900 S. Mingus Mountain Lane
P.O. Box 824, Humboldt, AZ 86329**

Parcel Size: 2.31 + acres

Current On-site Zoning:

Zoning Category	Net Acreage	General Characteristics
R1-70	2.31	(RESIDENTIAL; SINGLE FAMILY) Residential, minimum lot size of 70,000 square feet. Allowed uses include; site-built, manufactured and modular homes, churches, schools, and public utilities.
Adjacent Zoning:	North: R1-70 South: R1-70 East: R1-70 West: R1-70	

Adjacent Land Use: North: Single-family residence, developed
South: Single-family residence, developed
East: Single-family residence, developed
West: Single-family residence, vacant

A secondary medical dwelling unit is defined as a park trailer or manufactured home with kitchen facilities, used exclusively by an ill, handicapped or elderly person in need of special care or supervision, or a care provider for such a person, if the ill, handicapped or elderly person is the owner or resident of the main dwelling or a relative of the owner or resident of the main dwelling.

The secondary medical dwelling variance must meet the following standards:

- The parcel must exceed thirty-five thousand (35,000) square feet in size and be situated so that it meets the primary setbacks of the applicable density district.
- The property owner shall provide a statement signed by a physician that special care or supervision is required for the ill, handicapped, or elderly relative.
- The same access that serves the main dwelling shall be used for the secondary medical dwelling.
- The owner shall record a covenant running with the land stating that the secondary medical dwelling shall be removed from the property (if not a site built guest home) within ninety (90) days of the date the secondary medical dwelling is no longer occupied by the person specified in the Secondary Medical Dwelling Variance.
- Only one (1) secondary medical dwelling per lot shall be allowed.
- The secondary medical dwelling will not cause adverse effects to surrounding properties.
- The secondary medical dwelling is placed in order to meet separation requirements of current applicable Building and Fire Codes.

Request / Description of Proposal: This request is for a temporary medical use permit to accommodate Ms. Jean Peterson, mother of Ms. Brown. A letter from Dr. Gene Kalin, M.D. has been received regarding her medical condition.

If this variance is granted, the permit would be revoked when the person living in the temporary unit ceased to reside in it. Removal of the structure would be required within 90 days of the permit revocation.

If approved, this variance would be reviewed again in three years. Documents would also be recorded allowing the variance.

Public Participation: Notices to surrounding neighbors (within 300 feet), physical posting of the property and notice of the Public Hearing was published in the newspaper in advance of the October 4, 2007 Board of Adjustments meeting.

Staff received several phone calls regarding the request from property owners in the area with no expression of protest. A letter was received from Priscilla Jones, property owner (APN: 402-05-117). Staff called her and addressed her questions to her satisfaction.

Summary and Evaluation:

At over 2 acres, the site meets the acreage requirement included in the Ordinance. Like many of the properties on Mingus Mountain Lane, the frontage is about 160 feet with a depth of 600 plus feet. Within the R1-70 zoning classification, these lots do not strictly conform to the 200 foot minimum width and depth requirement.

The site plan depicts a single access as required. The Board of Adjustment must weigh the merits of a variance proposal based on the following two criteria:

A. That there are special circumstances or conditions applicable to the property of application or to the adjacent property or to the neighborhood, that justify request is necessary for the preservation granting of the variance from the requirements so that strict application would work an unnecessary hardship and that the granting of the request is necessary for the preservation and enjoyment of substantial property rights.

B. That granting will not materially affect the health or safety of the neighborhood residents or the public health or be injurious to health or improvements.

Nolan opened the public hearing.

There were no proponents or opponents.

Nolan closed the public hearing.

For Discussion and Possible Action - Medical Variance Request – Parcel 402-05-107 – Karl and Debra Brown on behalf of Jean Peterson

Wiste moved approval of the Medical Variance request from Karl and Debra Brown. The motion was seconded and carried unanimously.

Public Hearing – Set Back Variance Request – ZV-2007-04 – Parcel 402-07-055C – Jason Wallace

APN/Site Address: 402-07-055C – 2737 Old Black Canyon,
Dewey-Humboldt

Applicant: Jason Wallace

Zoning: R1-35 (Residential Single Family, 35,000 square feet minimum lot size.) The minimum lot width and depth requirements are 145 feet with 40 foot front and rear and 20 foot side setbacks.

Parcel Size: 0.17 acres – 7,500 square feet – 150 feet deep by 50 feet wide.

Adjacent Zoning: R1-35

Adjacent Land Use: North: Residential – vacant lot
South: Residential
East: Residential
West: Residential

Utilities and Services: Fire: Central Yavapai Fire District
Water: Humboldt Water District
Sanitary: Septic

Request / Description:

The applicant is seeking relief from the side and rear setback requirements on a pre-existing non-conforming lot

<u>Yard</u>	<u>R1-35 Minimum Setback</u>	<u>Request</u>
Front	40 Feet	No Change
Rear	40 Feet	25 feet
Side	20 interior	13 and 16 feet

Summary and Evaluation:

The property fronts on Old Black Canyon Highway with the septic system at the front of the lot (see attached Yavapai County Permit). The proposed home (16 by 76 feet) will replace an existing 14X60 foot unit.

As a legal, pre-existing, non-conforming lot, staff recommends approval.

Public Participation:

Notices to surrounding neighbors (within 300 feet), physical posting of the property and notice of the Public Hearing was published in the newspaper in advance of the October 4, 2007 Board of Adjustments meeting.

As of this date, no protests have been received.

Findings and Action:

In order to approve a request for a variance to planning and zoning regulations, the following conditions must be met:

- That there are special circumstances or conditions applicable to the property of application, or to the adjacent property, or to the neighborhood, that justify variance from the requirements so that strict application thereof would work an unnecessary hardship and that the granting of the request is necessary for preservation and enjoyment of substantial property rights
- That such granting will not materially affect the health or safety of the neighborhood residents or the public welfare or be injurious to property or improvements.

Should the Board of Adjustment find that this application meets the conditions for granting a variance, a suggested motion is:

Nolan opened the public hearing.

There were no proponents or opponents.

Nolan closed the public hearing.

For Discussion and Possible Action - Set Back Variance Request – ZV-2007-04 – Parcel 402-07-055C – Jason Wallace

Generalli moved to approve variance request ZV-2007-04 and find that the request fulfills the necessary requirements to grant a variance contained in the Planning and Zoning Ordinance of the Town of Dewey-Humboldt and find, further, that requirements of State Statute have been met. The granting of this variance is subject to the following stipulation(s):

1. A building permit must be obtained and work commence within six (6) months of this approval. If such work is not commenced for any reason, either an extension of the approval must be obtained from the Board of Adjustment or the approval becomes null and void.
2. All appropriate Town, County, State and Federal regulations, codes and requirements must be met.
3. Specific set back variances granted include: Rear – 25 feet, North Side – 16 feet and South Side 13 feet.

The motion was seconded and carried with a vote unanimously.

There was general discussion regarding administrative approval of set backs on non-conforming legal lots. Staff advised that in the future these would be handled administratively.

Staff is researching similar approvals from the past and will authorize refunds for any fees paid.

ADJOURN

The meeting was adjourned at 6:02 p.m.

Terry Nolan, Chairman

ATTEST:

Debbie Gifford, MMC Town Clerk